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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A. D. 1943.

No. 583 584

WILLIAM BERNARD WERNECKE,
Petitioner,

vs.

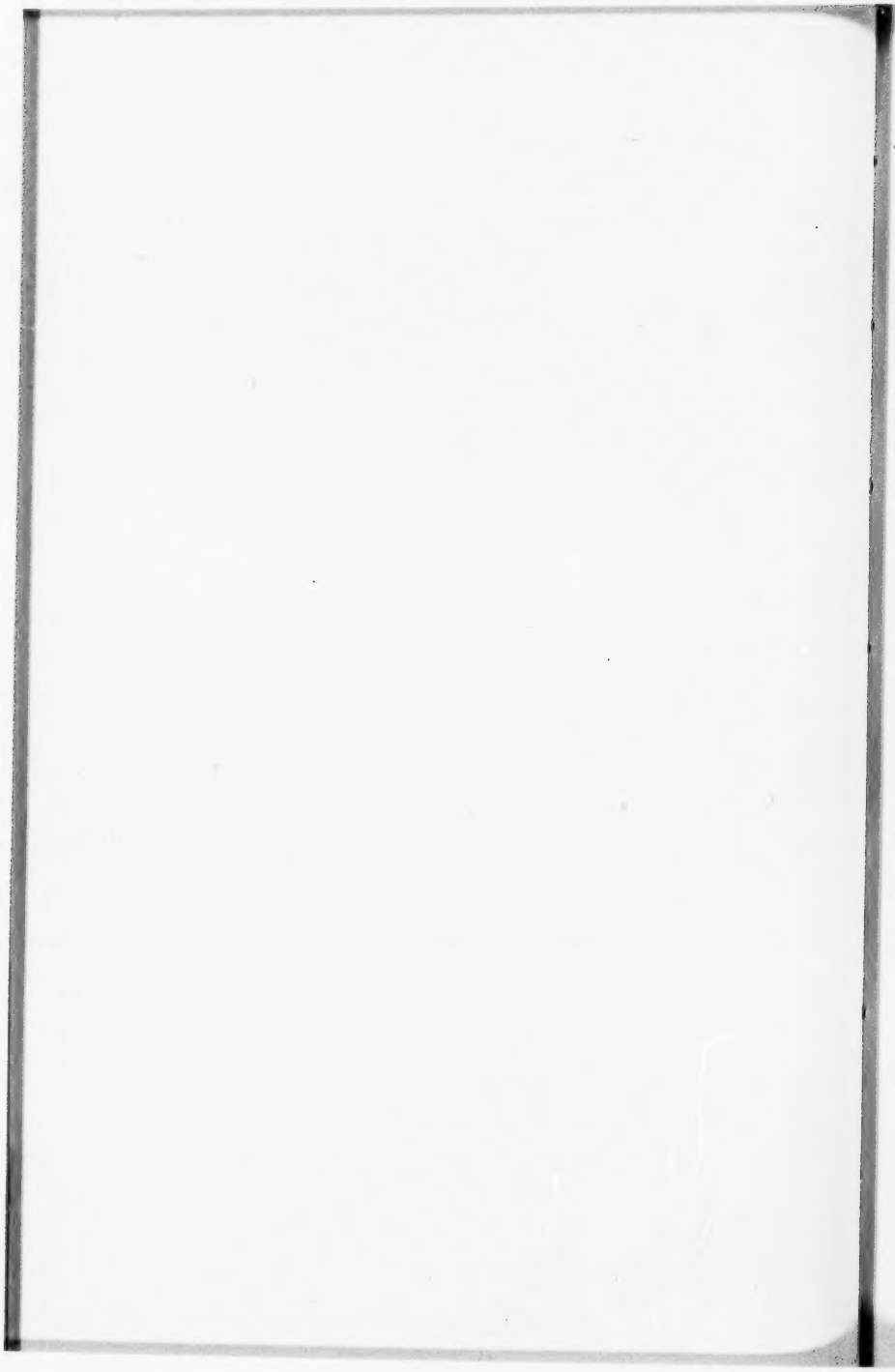
THE UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

PETITION AND BRIEF.

LEO L. DONAHOE,
155 N. Clark Street,
Chicago, Illinois,
Attorney for Petitioner.

Midwest Law Printing Co., 340 West Huron St., Chicago



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SUMMARY OF ARGUMENT.

I.

An indictment must show upon its face that a crime has been committed by the defendant; the offense must be shown by facts put on record so the defendant may prepare for trial and have protection against double jeopardy and the court may see subject matter to be adjudicated, otherwise the indictment will not support the verdict thereon 32

II.

The Government's attacks upon and disparagement of defendant's ordination as a minister of religion and its ridicule and derision of his religious belief and doctrines by improper testimony of government witnesses, inflammatory and improper argument to the Jury and the conduct of the trial Judge in admitting improper evidence over objection, violated defendant's rights and liberties guaranteed to him under Article II of the Bill of Rights of the Constitution of Illinois (1870) 37

III.

The impressions gained by the Jury from improper evidence regarding events alleged to have occurred prior to the enactment of the Selective Service Act of 1940 38

IV.

The exemption extended by Congress to a duly ordained minister of religion is made to the man who is such and the regulations limiting that exemption are void for want of power and as involving the judicial field 42

V.

The instruction given by the Court to the Jury as to disregarding the entire testimony of a witness who may have testified to any matter material to the issues, except as corroborated was error..... 46

VI.

The defendant was prejudiced before the Jury by the statements of the trial Judge..... 46

VII.

The attorney for the Government was permitted over objection to make a violent and inflammatory argument to the Jury outside of the issues of the case.... 50

VIII.

The general search of defendant's home and seizure of defendant's papers in his desk in his bedroom at the time of his arrest on the back porch of the dwelling house were unreasonable acts and violated his Constitutional right to be free from unreasonable searches and seizures..... 51

IX.

The Court erred in admitting testimony of the witnesses Healy and Strope for purposes of proving intent, their testimony being of statements said to have been made prior to the Selective Service Act.... 58

CASES CITED.

Foster v. U. S., 253 U. S. 481 ..... 29, 36
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OTHER CITATIONS.

Constitution of the United States, Amendment I, Bill of Rights 30, 38

Constitution of Illinois, 1870, Article II, Bill of Rights 30, 38

Selective Training and Service Act and Regulations (1940), Title 50, U. S. C. A., Sec. 305 (c) and 305 (d) 31, 38, 43

Illinois Revised Statutes, Chap. 68, Secs. 164, 165, Chap. 89, Sec. 4 46

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